

PTO/SB/21 (04-07)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/702,361	<b>RECEIVED</b> <b>CENTRAL FAX CENTER</b> <b>MAR 27 2008</b>
	Filing Date	November 8, 2003	
	First Named Inventor	Melissa Lea Merlau	
	Art Unit	1615	
	Examiner Name	Bethany P. Barham	
Total Number of Pages In This Submission	22	Attorney Docket Number	A01462

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks <i>Note: This is a resubmission due to          problems with fax machine          on March 26, 2008</i>		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Rohm and Haas Company	
Signature	<i>Thomas D. Rogerson</i>	
Printed name	Thomas D. Rogerson	
Date	March 26, 2008	Reg. No. 38602

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:	
Signature	<i>Thomas D. Rogerson</i>
Typed or printed name	Thomas D. Rogerson
Date	March 27, 2008 <i>TAR 3/27/08</i>

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (07-07)

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Effective on 12/08/2006.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**  
**For FY 2007**☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

**Complete If Known**

Application Number	10/702,361
Filing Date	November 6, 2003
First Named Inventor	Melissa Lee Merlau
Examiner Name	Bethany P. Barham
Art Unit	1615
Attorney Docket No.	A01462

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MAR 27 2008

**METHOD OF PAYMENT (check all that apply)**
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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
- 20 or HP =	x	=				

HP = highest number of total claims paid for, if greater than 20.

<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
- 3 or HP =	x	=	

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
- 100 =	/ 50 =	(round up to a whole number) x	=	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 37CFR41.20(b)(2) - Filing a Brief in support of an appeal

Fees Paid (\$)

510.00

**SUBMITTED BY**

Signature	<i>Thomas D. Rogerson</i>	Registration No. 38602 Attorney/Agent	Telephone 215-619-1569
Name (Print/Type)	Thomas D. Rogerson	Date March 26, 2008	

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MAR 27 2008

GROUP ART UNIT: 1615

APPEAL NO. \_\_\_\_\_

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF APPEALS AND INTERFERENCES**

**APPEAL BRIEF**

In re the Application of Melissa Lee Merlau et al.

Filed November 6, 2003

Serial No. 10/702,361

For

**DURABLE HOLD HAIR STYLING COMPOSITIONS  
AND METHOD OF USE**

Thomas D. Rogerson  
*Attorney for Appellants*

Bethany P. Barham  
*Examiner*

Enclosed:  
Transmittal Form  
Fee Transmittal Form

10/702,361

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MAR 27 2008

Mail Stop Appeal Brief - Patents

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
DN A01462

In re application of: M. Merlau et. al.

Serial No.: 10/702,361 : Group Art Unit: 1615  
Filed: 11/06/2003 : Examiner: B. P. Barham  
For: Durable Hold Hair Styling Compositions and Method of Use

Mail Stop Appeal Brief  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**APPEAL BRIEF**

This is an appeal from the Final Rejection dated September 5, 2007 finally rejecting claims 1 and 7. Claims 1 and 7 are being appealed, claims 8 and 9 having been withdrawn from consideration but subject to rejoinder. The appealed claims are set out in Appendix J. Appellants filed a Notice of Appeal pursuant to 37 C.F.R. § 1.191 on January 28, 2008.

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**(C) Real Party In Interest**

The owner of the present application and the invention contained therein is  
ROHM AND HAAS COMPANY.

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**(D) Related Appeals, Interferences or Judicial Proceedings**

No appeals, interferences or judicial proceedings are known to Appellants, the Appellants' legal representative, or the assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

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**(E) Status Of Claims**

The status of the claims is as follows:

Claims pending: 1 and 7

Allowed claims: none

Claims objected to: none

Claims canceled: 2 through 6

Claims rejected: 1 and 7

Claims on appeal: 1 and 7

Claims withdrawn from consideration by the Examiner: 8 and 9.



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**(F) Status Of Amendments**

No amendments were filed subsequent to Final Rejection.

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**(G) Summary of Claimed Subject Matter**

**Claim 1.** The present invention provides a composition comprising two individual polymers which provides flexibility and durability to a hair style while retaining other beneficial hair fixative properties [Page 2, lines 15-18]:

- a) a first polymer or polymer mixture with a glass transition temperature ("Tg") from 75° C to 130° C; [Page 3, lines 18-19]
- b) a second polymer or polymer mixture with a Tg from 20° C to 35°C [Page 3, lines 19-21]; and
- c) one or more cosmetically acceptable solvents; Page 2, line 22; Page 9, lines 1-9]

wherein when the first polymer or polymer mixture and the second polymer or polymer mixture are dissolved together in a cosmetically acceptable solvent, which may be the same as or different than the solvent in c), and then dried to form a film, the film has a tensile storage modulus at 20° C of from  $1 \times 10^{10}$  Pascal to  $1 \times 10^8$  Pascal and a storage modulus at 70° C of from  $1 \times 10^9$  Pascal to  $1 \times 10^6$  Pascal; [Page 2, lines 25-30; Page 5, lines 25-29] and

wherein the first polymer and the second polymer are independently selected from block, graft, and branched homopolymers and copolymers derived from one or more monomers [Page 3, lines 25-27] selected from methacrylic acid; acrylic acid; methacrylate esters, acrylate esters, styrene, substituted styrenes, vinyl esters of organic acids, N-vinyl compounds, acrylamide; methacrylamide; substituted acrylamides, amine-functional acrylamides, substituted methacrylamides; hydroxylalkyl methacrylates, hydroxylalkyl acrylates, dienes, vinyl ethers, acid containing monomers; and functional monomers selected from maleic acid, maleic anhydride, fumaric acid,  $\alpha$ -methylene glutaric acid, itaconic acid, itaconic anhydride, citraconic acid, mesaconic acid, cyclohexenedicarboxylic acid, 2-acrylamido-2-methylpropanesulfonic acid, monoacryloxyethyl, and water-soluble salts thereof. [Page 3, line 31 to Page 4, line 14]

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**Claim 7.** Provides a hair styling composition comprising:

- a) a composition of claim 1; and
- b) one or more cosmetically acceptable solvents; **Page 2, line 22; Page 9, lines 1-9]**  
and
- c) one or more cosmetically acceptable ingredients selected from perfumes, dyestuffs, preservatives, sequestering agents, thickeners, silicones, softeners, foam synergistic agents, foam stabilizers, sun filters, peptizing agents, conditioning agents, shine agents, proteins, herbals, botanicals, neutralizers, plasticizers, and anionic, non-ionic, cationic, or amphoteric surfactants, and mixtures thereof. **[Page 8, lines 18-23]**

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**(H) Grounds of Rejection to be Reviewed on Appeal**

Claims 1 and 7 are rejected under 35 USC 103(a) as being unpatentable over US 2004/0057923 ('923) or US 2003/0147833 ('833) in that both '923 and '833 teach a reshapable hair styling compositions comprising at least one (meth)acrylic copolymer which comprises: (a) units derived from at least one monomer chosen from buty (meth)acrylate monomers, (b) units derived from at least one monomer chosen from hydroxy alkyl (meth)acrylate monomers, and optionally units derived from at least one monomer other than the (a) and (b) monomers, which would make Applicants' invention obvious to one of ordinary skill in the art at the time the invention was made.

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**(I) Argument****Regarding Rejection under 35 U.S.C. § 103(a) over US 2004/0057923 ('923) and US 2003/0147833 ('833):**

Claims 1 and 7 are rejected under 35 USC 103(a) as being unpatentable over US 2004/0057923 ('923) or 2003/0147833 ('833) in that both '923 and '833 teach reshapable hair styling compositions comprising at least one (meth)acrylic copolymer which comprises: (a) units derived from at least one monomer chosen from butyl (meth)acrylate monomers, (b) units derived from at least one monomer chosen from hydroxy alkyl (meth)acrylate monomers, and optionally units derived from at least one monomer other than the (a) and (b) monomers, which would make Applicants' invention obvious to one of ordinary skill in the art at the time the invention was made.

Because the disclosures of '923 and '833 are so similar, for purposes of this Appeal most of the remarks will reference '923. However, they apply equally well to '833.

**The Prior Art Fails to Provide a Motivation to to Produce the Claimed Invention**

The inventions disclosed in '923 and '833 require **only** the copolymer described above. That is, one containing the butyl (meth)acrylate and hydroxyalkyl (meth)acrylate monomers. As an option, the copolymer can contain one or more additional copolymerizable monomers. However, these additional monomers are not required. The single polymer exemplified in the cited references does contain three monomers, 2-ethylhexyl acrylate, n-butyl acrylate, and 2-hydroxyethyl methacrylate. all of the examples in '923 have an additional optional polymer in the composition, as described below.

As an option, the '923 compositions may also comprise at least one constituent "known in the cosmetic arts that does not substantially interfere with the reshaapable properties of the at least one (meth)acrylic copolymer." (see '923, page 5 [0050] and '833, page 4 [0043]) These optional constituents comprise a huge variety of polymers

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and copolymers (see '923, pages 5-14), as well as almost any material known to be useful in a hair styling compositions. This listing of additional polymers and copolymers goes on for nine pages. It includes anionic, cationic, amphoteric, and nonionic polymers and combinations thereof. In its broadest reading, this listing likely includes virtually every known polymer which could be used in a hair styling composition. The Official Action points out a number of these optional polymers as being within the Tg range claimed by Applicants for their "first polymer". That is, from 75 to 130 deg. C. However, there is no disclosure, teaching, or suggestion in this huge, nine page list of polymers and copolymers that any one will have an advantage over any other for use in Applicants' claimed compositions, or, for that matter, for use in any of the compositions claimed in '923 or '833. There is no disclosure, teaching, or suggestion of the high Tg range claimed by Applicants as being particularly useful, only that the '923 and '833 compositions can contain the optional additional polymer. Furthermore, the only examples of the use of such optional polymers are disclosed in '923 Example 7, Formulations A-E which disclose the use of quaternary ammonium salt polymers (Merquat™ 100 and 500, and Salcare™ SC95). In addition, there are no data, no teachings, and no disclosures in either '923 or '833 showing that there is any difference in the performance of the claimed reshapable compositions with or without the addition of the higher Tg polymer to the claimed (meth)acrylic copolymers. Therefore, there is no disclosure, teaching, or suggestion in '923 or '833 which would motivate one skilled in the art to add higher Tg polymers (i.e. first polymer) to Applicants' second polymer with the expectation of achieving an improved composition.

As importantly, however, are the suggestions, teachings, and disclosures of '923 and '833 which relate to the required (meth)acrylic copolymer. '923 and '833 teach that this copolymer should have a low Tg. It is Applicants position that the low Tg is required in order for the compositions claimed in '923 and '833 to be reshapable. That is, the copolymer must be tacky. The only embodiment which specifies a Tg range is found in '923 on page 5 [0045] and '833, page 4, [0038] and specifies a Tg range of -100 deg. C. to +15 deg. C. This is significantly below the Tg range specified in Applicants' claims of +20 deg. C. to +35 deg. C for their "second polymer". Furthermore, in '923, the one

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working example of the (meth)acrylic polymer, Example 1, provides for a 2-ethyl hexyl acrylate (EHA), n-butyl acrylate (BA), 2-hydroxy ethyl methacrylate (HEMA) copolymer in the ratio of 60/35/5. Using the Fox equation:  $1/Tg(\text{polymer}) = 1/Tg(\text{monomer 1}) + 1/Tg(\text{monomer 2}) + 1/Tg(\text{monomer 3})$  and the standard Tg values of -85 for EHA, -54 for BA, and +55 for HEMA, one can calculate the Tg of the polymer of Example 1 of '923 as being -70 deg. C. Thus, one of ordinary skill in the art familiar with '923 and '833 would be motivated to use a low Tg copolymer to prepare the claimed compositions, not polymers with a Tg in the claimed range of Applicants' second polymer.

The Examiner correctly points out that '923 and '833 do not teach Applicants' copolymer with a Tg of 20-35 deg. C, but they do teach, in claim 20, a Tg from about -100 deg. C to + 15 deg. C. The Examiner then states that it would have been obvious to one of ordinary skill in the art to look to '923 and '833 for the composition and then to optimize the Tg ranges (citing MPEP 2144.05). However, Applicants have shown that there is a significant difference between the Tg range disclosed in '923 and '833 and Applicants' claimed second polymer Tg range. As noted above, one skilled in the art would look to the examples provided in the cited reference and conclude that to optimize the Tg range one should look to low Tg polymers (e.g. in the range of -70 deg. C.).

Applicants have indicated in the Specification, page 1, line 31 to page 2, line 2, that low Tg polymers have a benefit (not brittle so they do not fracture when stressed). But that they also have the disadvantage of being tacky and lack toughness. These disadvantages are overcome in Applicants' claimed compositions (see Tables 3-4 and 6-7). In addition, Applicants' have provided data which clearly shows that low Tg polymers are not acceptable in Applicants' claimed compositions. See Table 6, examples 16d and 18d in particular, when compared with the Tg of example 17d, which is within Applicants' claimed range. Example 17d has better overall properties. However, in all these examples, the low Tg polymer alone provided unacceptable film properties - Toughness and Tackiness. In addition, the high Tg polymers alone also had unacceptable film properties - Flexibility, when used alone. It is only in the combinations of Applicants' second polymers with the claimed high Tg polymers (first polymers) that

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Applicants' compositions provide acceptable film properties (see Tables 3 and 4). Also, the data in Tables 3 and 4 demonstrate the uniqueness of the Tg range of Applicants' claimed second polymer. For example, in Table 3, examples 4a and 5a show that a low Tg second polymer has properties (toughness) that are less acceptable than when the Tg of the second polymer is within Applicants' claimed range ( example 5a). Likewise, examples 3b and 4b in Table 4 show a similar pattern (although examples 7b and 8b do not show this pattern).

It is clear from Applicants' data presented in Tables 3-4, when it is compared with the data in Table 6, that the combination of Applicants' first polymer with the second polymer results in a profound change in the film properties obtained compared to the film properties one would obtain using the second polymer alone. Both '923 and '833 indicate that the "reshapability" of hair treated with the compositions disclosed in '923 and '833 is a function of the film properties of those compositions. As noted above, both '923 and '833 state that the composition of the (meth)acrylic copolymer may further comprise at least one constituent known in the cosmetic arts that "does not substantially interfere with the reshapable properties" of the (meth)acrylic copolymer. This statement teaches away from Applicants' claimed composition because it is clear that the addition of the first polymer to Applicants' second polymer does, in fact, markedly change the film properties of the polymers making up the composition. Furthermore, neither '923 nor '833 provide any direction on how to determine if an optional polymer substantially interferes with the reshapable properties, or even what is a "substantial interference".

## CONCLUSION

Based on the foregoing, Appellants respectfully submit that the disclosures of the cited references '923 and '833, which teach compositions comprising a low Tg (-100 to +15 deg. C.) copolymer of butyl (meth)acrylic and hydroxy alkyl (meth)acrylic monomers, and optionally additional monomers, and into which one could add virtually any other component known to be useful in hair styling compositions, including other



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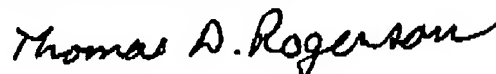
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polymers, one skilled in the art would not be motivated to prepare the compositions of Applicant's invention. As a result, the pending claims are currently in condition for allowance. Appellants respectfully request the Board to pass the pending claims to allowance.

Enclosed herewith, Appellants have filed a Certificate of Mailing to establish the timely filing of this Appeal Brief.

The Commissioner is hereby authorized to charge any additional fee which may be required, or to credit any overpayments to Deposit Account 18-1850.

Respectfully submitted,



Thomas D. Rogerson  
Attorney for Applicants  
Registration No. 38,602  
Telephone: 215-619-1569

Patent Department, 7<sup>th</sup> Floor  
Rohm and Haas Company  
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Philadelphia, PA 19106-2399  
Date: March 26, 2008

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**(J) Claims Appendix**

1. (Previously Presented) A composition comprising:

- a) a first polymer or polymer mixture with a glass transition temperature ("T<sub>g</sub>") from 75° C to 130° C;
- b) a second polymer or polymer mixture with a T<sub>g</sub> from 20° C to 35° C; and
- c) one or more cosmetically acceptable solvents;

wherein when the first polymer or polymer mixture and the second polymer or polymer mixture are dissolved together in a cosmetically acceptable solvent, which may be the same as or different than the solvent in c), and then dried to form a film, the film has a tensile storage modulus at 20° C of from  $1 \times 10^{10}$  Pascal to  $1 \times 10^8$  Pascal and a storage modulus at 70° C of from  $1 \times 10^9$  Pascal to  $1 \times 10^6$  Pascal; and

wherein the first polymer and the second polymer are independently selected from block, graft, and branched homopolymers and copolymers derived from one or more monomers selected from methacrylic acid; acrylic acid; methacrylate esters, acrylate esters, styrene, substituted styrenes, vinyl esters of organic acids, N-vinyl compounds, acrylamide; methacrylamide; substituted acrylamides, amine-functional acrylamides, substituted methacrylamides; hydroxylalkyl methacrylates, hydroxylalkyl acrylates, dienes, vinyl ethers, acid containing monomers; and functional monomers selected from maleic acid, maleic anhydride, fumaric acid,  $\alpha$ -methylene glutaric acid, itaconic acid, itaconic anhydride, citraconic acid, mesaconic acid, cyclohexenedicarboxylic acid, 2-acrylamido-2-methylpropanesulfonic acid, monoacryloxyethyl, and water-soluble salts thereof.

- 2. (Canceled)
- 3. (Canceled).
- 4. (Canceled).
- 5. (Canceled)
- 6. (Canceled)

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7. (Previously Presented) A hair styling composition comprising:
- a composition of claim 1; and
  - one or more cosmetically acceptable solvents; and
  - one or more cosmetically acceptable ingredients selected from perfumes, dyestuffs, preservatives, sequestering agents, thickeners, silicones, softeners, foam synergistic agents, foam stabilizers, sun filters, peptizing agents, conditioning agents, shine agents, proteins, herbals, botanicals, neutralizers, plasticizers, and anionic, non-ionic, cationic, or amphoteric surfactants, and mixtures thereof.
8. (Withdrawn) A method for styling hair comprising the steps of:
- applying to the hair an effective styling amount of a composition comprising:
    - a first polymer or polymer mixture with a glass transition temperature ("Tg") from 75° C to 130° C;
    - a second polymer or polymer mixture with a Tg from 20° C to 35°C; and
    - one or more cosmetically acceptable solvents;wherein when the first polymer or polymer mixture and the second polymer or polymer mixture are dissolved together in a cosmetically acceptable solvent, which may be the same as or different than the solvent in c), and then dried to form a film, the film has a tensile storage modulus at 20° C of from  $1 \times 10^{10}$  Pascal to  $1 \times 10^8$  Pascal and a storage modulus at 70° C of from  $1 \times 10^9$  Pascal to  $1 \times 10^6$  Pascal; and
- wherein the first polymer and the second polymer are independently selected from block, graft, and branched homopolymers and copolymers derived from one or more monomers selected from methacrylic acid; acrylic acid; methacrylate esters, acrylate esters, styrene, substituted styrenes, vinyl esters of organic acids, N-vinyl compounds, acrylamide; methacrylamide; substituted acrylamides, amine-functional acrylamides, substituted methacrylamides; hydroxylalkyl methacrylates, hydroxylalkyl acrylates, dienes, vinyl ethers, acid containing monomers, and functional monomers selected from maleic acid, maleic anhydride, fumaric acid,  $\alpha$ -methylene glutaric acid, itaconic acid,

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itaconic anhydride, citraconic acid, mesaconic acid, cyclohexenedicarboxylic acid, 2-acrylamido-2-methylpropanesulfonic acid, monoacryloxyethyl, and water-soluble salts thereof.

- b) fixing the hair in a desired configuration.
9. (Withdrawn) A method for styling hair comprising the steps of:
- a) fixing the hair in a desired configuration; and
  - b) applying to the hair an effective styling amount of a composition comprising:
    - i) a first polymer or polymer mixture with a glass transition temperature ("Tg") from 75° C to 130° C;
    - ii) a second polymer or polymer mixture with a Tg from 20° C to 35° C; and
    - iii) one or more cosmetically acceptable solvents;
- wherein when the first polymer or polymer mixture and the second polymer or polymer mixture are dissolved together in a cosmetically acceptable solvent, which may be the same as or different than the solvent in c), and then dried to form a film, the film has a tensile storage modulus at 20° C of from  $1 \times 10^{10}$  Pascal to  $1 \times 10^8$  Pascal and a storage modulus at 70° C of from  $1 \times 10^9$  Pascal to  $1 \times 10^6$  Pascal; and
- wherein the first polymer and the second polymer are independently selected from block, graft, and branched homopolymers and copolymers derived from one or more monomers selected from methacrylic acid; acrylic acid; methacrylate esters, acrylate esters, styrene, substituted styrenes, vinyl esters of organic acids, N-vinyl compounds, acrylamide; methacrylamide; substituted acrylamides, amine-functional acrylamides, substituted methacrylamides; hydroxylalkyl methacrylates, hydroxylalkyl acrylates, dienes, vinyl ethers, acid containing monomers, and functional monomers selected from maleic acid, maleic anhydride, fumaric acid,  $\alpha$ -methylene glutaric acid, itaconic acid, itaconic anhydride, citraconic acid, mesaconic acid, cyclohexenedicarboxylic acid, 2-acrylamido-2-methylpropanesulfonic acid, monoacryloxyethyl, and water-soluble salts thereof.

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**(K) Evidence Appendix**

No evidence was submitted during prosecution.

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**(L) Related Proceedings Appendix**

There are no related proceedings.